

**BEFORE THE
MERIT SYSTEM PROTECTION BOARD
FOR
MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF

[REDACTED]

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

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CASE NO. 21-33

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ORDER ACCEPTING SETTLEMENT AGREEMENT

Appellant is an Assistant Chief with the Montgomery County Fire and Rescue Service (MCFRS) who filed an appeal with the Merit System Protection Board (Board or MSPB) challenging a decision of the County’s Chief Administrative Officer denying him COVID-19 differential pay.

On July 19, 2021, the parties notified the Board that they had reached a settlement in the above captioned matter and requested that the Board stay further proceedings pending approval of funding for the agreement by the Montgomery County Council. On December 14, 2021, the Montgomery County Council unanimously approved a supplemental appropriation funding the settlement agreement.

The Board finds that it has jurisdiction to accept the settlement agreement into the record. MCPR § 35-15; MSPB Case No. 17-12 (2017); MSPB Case No. 16-10 (2016); MSPB Case No. 15-24 (2015). *Cf., Pleshaw v. OPM*, 98 M.S.P.R. 478, 480 (2005). Pursuant to Montgomery County Personnel Regulations (MCPR), § 35-15(b), the MSPB retains jurisdiction to interpret and enforce the terms of the settlement agreement.

The Board has reviewed the settlement agreement carefully and notes that the settlement agreement is lawful on its face and that the agreement was freely entered into by the parties. MSPB Case No. 19-18 (2019); *McGann v. Department of Housing and Urban Development*, 56 M.S.P.R. 17, 18 (1992). Therefore, the Board agrees to accept the settlement agreement into the record.

Accordingly, the Board hereby **ORDERS**:

Order Accepting Settlement Agreement

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1. That the settlement agreement filed by the parties in this matter be entered into the Board's records;
2. That within 30 calendar days of this Order the County provide the Board with written certification, copied to Appellant, that it has fully implemented the terms of the settlement agreement;
3. That the appeal in MSPB Case No. 21-33 be and hereby is **DISMISSED** as settled; and
4. That the Board will retain jurisdiction over any disputes that arise concerning the interpretation or enforcement of the settlement agreement.

For the Board

December 15, 2021

[REDACTED]

Harriet E. Davidson
Chair